

R E M A R K S

By this Amendment claim 24 has been amended to clarify the fact that the sweeping of the frequency of the vibrations applied to the plant occurs during harvesting, claim 36 has been revised to include features from claims 37 and 62, claim 47 has been corrected, claim 63 has been canceled, and new claim 65 added (defines subject matter deleted from claim 36). Entry is requested.

In the outstanding Office Action the examiner has rejected claims 24, 27-29, 31-35, 57 and 59-61 under 35 U.S.C. 103(a) as being unpatentable over Pellenc (FR 2,639,176) in view of Zehavi et al.; she has rejected claims 25 and 26 under 35 U.S.C. 103(a) as being unpatentable over Pellenc in view of Zehavi et al '875 and Zehavi '065; she has rejected claims 36-48, 50-56 and 63 under 35 U.S.C. 103(a) as being unpatentable over Pellenc in view of Zehavi '875, Zehavi '065 and Staron et al., she has rejected claims 55 and 56 under 35 U.S.C. 103(a) as being unpatentable over Pellenc in view of Zehavi '875, Zehavi '065, Staron et al. and Podolsky et al., and she has rejected claim 64 under 35 U.S.C. 103(a) as being unpatentable over Pellenc in view of Zehavi '875, Zehavi '065, Staron and Brenek. The examiner stated that claims 58 and 62 contain allowable subject matter.

These rejections are not correct.

Pellenc discloses a machine for mechanically harvesting fruit using a shaking head 37 with a gripper 40-41 which is given a reciprocating high frequency movement by a reciprocating jack, and which includes a servo valve or a fast electro distributor for distributing hydraulic fluid to either side of a piston of the jack to vary the amplitude and/or frequency of the high frequency reciprocating movement. However, there is no mention of sweeping the vibration frequency linearly or non-linearly from an initial sweep frequency to a final sweep frequency during harvesting.

Zehavi et al. '875 disclose a tree-shaking apparatus for harvesting fruit and nuts, and wherein a tree's resonance point is determined by scanning through a range of frequencies to determine the frequency of maximum displacement. There is no disclosure of varying the frequency of the tree-shaking apparatus during harvesting.

Thus, there is no basis to conclude that, based on Zehavi et al. '875, it would be obvious to modify Pellenc such that its mechanical shaking apparatus would have a varying frequency during harvesting.

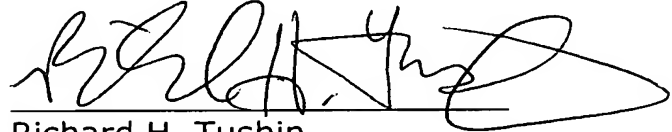
And nothing in Zehavi et al. '065, Staron et al. or Podolsky et al. would suggest otherwise.

The examiner's prior art rejections should be withdrawn and the presented claims allowed.

Respectfully submitted,

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